

of the Act, 47 U.S.C. §§ 4(i), 403 and 503, in the event of any alleged future misconduct, for violation of this Consent Decree, or for violation of the E91 I Phase II rules consistent with the provisions of this Consent Decree.

19. Nothing in this Consent Decree shall prevent the FCC from adjudicating complaints filed pursuant to Section 208 of the Act, 47 U.S.C. § 208, against AT&T Wireless or its subsidiaries for alleged violations of Section 20.18 ~~of~~ the Rules as modified by this Consent Decree, or for any other type of alleged misconduct, regardless of when such misconduct took place. If any such complaint is made, the FCC's adjudication of that complaint will be based solely on the record developed in that proceeding.

20. AT&T Wireless waives any and all rights it may have to seek administrative or judicial reconsideration, review, appeal or stay, or to otherwise challenge or contest the validity of this Consent Decree and the Adopting Order, provided the Adopting Order adopts the Consent Decree without change, addition or modification.

21. If either Party (or the United States on behalf of the FCC) brings a judicial action to enforce the terms of the Adopting Order, neither AT&T Wireless nor the FCC shall contest the validity of the Consent Decree or Adopting Order, and AT&T Wireless and the FCC shall waive any statutory right to a trial *de novo* with respect to any matter upon which the Adopting Order is based and shall consent to a judgment incorporating the terms of this Consent Decree.

22. AT&T Wireless agrees to waive any claims it may otherwise have under the Equal Access to Justice Act, 5 U.S.C. § 504 and 47 C.F.R. § 1.1501 *et seq.*, relating to the matters discussed in this Consent Decree.

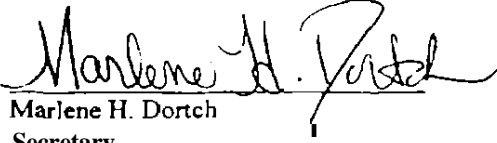
23. In the event that this Consent Decree is rendered invalid by any court of competent jurisdiction, this Consent Decree shall become null and void and may not be used in any manner in any legal proceeding.

24. The Parties agree that this Consent Decree does not constitute either an adjudication on the merits or a factual or legal finding or determination regarding any compliance or noncompliance with the requirements of the Act and the Rules, including Sections 1.17, 1.65 and 20.18 of the Rules, and the supplemental filing requirement set forth in the *GSM Waiver Order*. The Parties agree that this Consent Decree is for settlement purposes only and that by agreeing to this Consent Decree, AT&T Wireless does not admit or deny any liability for violating Commission rules in connection with the matters that are the subject of this Consent Decree.

25. The Parties agree that any provision of the Consent Decree that would require AT&T Wireless to act in violation of a future rule or order adopted by the Commission will be superseded by such Commission rule or order. In this regard, the Parties agree that any Commission rule or order that is more stringent than any provision of the Consent Decree supersedes such provision of the Consent Decree.

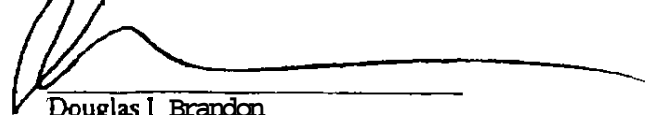
26. This Consent Decree may be signed in counterparts.

For the Federal Communications Commission


Marlene H. Dortch
Secretary

October 9, 2002
Date

For AT&T Wireless Services, Inc.


Douglas I. Brandon
Vice President - External Affairs & Law

10/9/02
Date

COMPLIANCE PLAN

1. **Compliance Officer.** Within 30 days of the Effective Date, AT&T Wireless will appoint an E911 Compliance Officer ("Compliance Officer"), who will administer the compliance program described below. The Compliance Officer also will supervise AT&T Wireless's compliance with the FCC's E911 rules and the requirements of this consent decree, including the need to keep the FCC apprised in a timely manner of developments affecting compliance with all E911 rules and requirements.
2. **Written Advisory.** Within 60 days of the Effective Date, the Compliance Officer will send a written advisory on the E911 rules, the requirements of this consent decree, and sections 1.17 and 1.65 of the FCC's rules to (1) each officer of AT&T Wireless, (2) each employee in AT&T Wireless's External Affairs Group, and (3) all employees, contractors, consultants, and any other persons or entities associated with AT&T Wireless who have or will have E911-related responsibilities for or on behalf of AT&T Wireless. The written advisory shall be substantially in the form of Attachment A hereto.
3. **Non-Compliance Admonition.** Distributed with the advisory shall be a written admonition that (1) non-compliance with the FCC's E911 rules, this consent decree, or section 1.17 or 1.65 of the FCC's rules in connection with AT&T Wireless's E911 deployment, or (2) the failure to report information about non-compliance or possible non-compliance to the Compliance Officer within ten (10) business days after receiving such information, will result, in every case, in disciplinary action, which may include dismissal. Not later than twenty (20) days after a person begins performance of his or her duties as an officer of AT&T Wireless, AT&T Wireless External Affairs employee, or other covered employee, AT&T Wireless shall provide that person with a copy of the advisory and accompanying admonition.
4. **Semi-Annual Meetings.** The Compliance Officer will meet not less than twice a year with all AT&T Wireless personnel materially involved in E911 compliance to review and explain the FCC's E911 rules, the FCC's rules regarding truthful statements and the obligation to maintain the accuracy and completeness of any pending FCC application, and the requirements of this consent decree. AT&T Wireless will maintain written certification from each covered employee certifying that he or she has attended the meeting(s), received the advisory and accompanying admonition, and understands AT&T Wireless's obligations to comply with such rules and requirements.
5. **Quarterly Report Verification.** AT&T Wireless will institute a requirement that any employee who signs and submits a quarterly report or other required filing regarding E911 compliance on behalf of AT&T Wireless confer with the Compliance Officer to discuss compliance with the FCC's E911 rules, the requirements of this consent decree, and sections 1.17 and 1.65 of the FCC's rules before signing and submitting such report or other filing.
6. **List of Employees Verifying Information in Quarterly Reports.** AT&T Wireless will maintain a list of those employees who, after the effective date of this consent decree, verify the factual assertions contained in a quarterly report or other required filing regarding E911 compliance. The list will specify which reports or other filings, or portions of reports or filings, the employee verified.
7. **Quarterly Report Statement.** AT&T Wireless will require that any quarterly report or other required filing regarding E911 compliance signed by an employee include a statement that the employee has attended the semi-annual compliance meeting(s), received the advisory and accompanying

admonition, and understands AT&T Wireless's obligations to comply with all ~~§~~ 1 rules, the requirements of this consent decree, and sections I. 17 and I.65 of the FCC's rules.

8. Compliance Tracking. AT&T Wireless will assign a manager in its External Affairs Group the responsibility of tracking compliance with the requirements above, including the maintenance of records documenting such compliance.

9. Disciplinary Action. If, after an internal investigation and based upon a preponderance of the evidence, AT&T Wireless concludes that one of its employees ~~has~~ intentionally made any misrepresentation, or engaged in any willful material omission in any submission to the FCC, either orally or in writing, AT&T Wireless will take appropriate disciplinary action, up to and including dismissal

ATTACHMENT A

FCC **E911** RULES

IMPORTANT NOTICE

Non-compliance with the FCC's **E911** rules, the CSM Consent Decree, or section **1.17** or **1.65** of the FCC's rules, or the failure to report information about non-compliance or possible non-compliance to the Compliance Officer within ten **(10)** business days after receiving such information, will result, in every case, in disciplinary action, which may include dismissal.

- **FCC Phase II E911 Rules.** Under Phase II of the FCC's wireless E911 rules, wireless carriers are required to provide to the designated Public Safety Answering Point ("PSAP") the location of wireless 911 callers, a capability known as Automatic Location Identification ("ALI"), using handset-based or network-based location technologies.

Handset-based location technologies **must** provide the location of wireless 911 calls with an accuracy of 50 meters for 61 percent of calls and 150 meters for 95 percent of calls. A carrier using a handset-based solution **must** begin to offer one entry-level model with location capability no later **than** October 1, 2001, and must ensure that 95 percent of its customers have location-capable handsets no later than December 31, 2005.

Network-based location technologies **must** provide the location of wireless 911 calls with an accuracy of 100 meters for 67 percent of calls and 300 meters for 95 percent of calls. A carrier using a network-based solution **must** provide ALI to 50 percent of its coverage area, or 50 percent of its population, beginning on October 1, 2001 or within six months of a PSAP request, whichever is later, and to 100 percent of callers within 18 months of that request or by October 1, 2002, whichever is later.

- **GSM Consent Decree Deployment and Service Requirements.** Under the terms of the Consent Decree entered into by AWS and the FCC to resolve possible violations by AWS of the FCC's E911 Phase II rules for its GSM network, AWS **must** deploy a Phase II compliant technology in accordance with the following schedule:

A minimum of 1,000 cell sites on its GSM network by January 31, 2003, giving priority to fulfilling pending PSAP requests first.

A minimum of 2,000 cell sites on its GSM network by March 31, 2003, giving priority to fulfilling pending PSAP requests first.

A minimum of 4,000 cell sites, with service to 2,000 of those sites, **by** June 30, 2003, giving priority to fulfilling pending PSAP requests first.

A minimum of 6,000 cell sites on its GSM network by December 31, 2003, if necessary to meet a valid PSAP request pending more than six months as of that date.

A minimum of 8,000 cell sites **on** its GSM network by **June 30, 2004**, if necessary to meet a valid PSAP request pending more than six months as of that date.

For any valid PSAP requests for Phase II service **on its GSM** network received by AWS on or before September 30, 2002, AT&T Wireless must provide its Phase II compliant solution to 100% of those PSAPs' coverage areas or population by November 30, 2003.

For valid PSAP requests received after September 30, 2002, but on or before April 30, 2003, AWS must provide its Phase II compliant solution to 50% of those PSAPs' coverage areas or population by November 30, 2003, and to 100% of those PSAPs' coverage areas or population by June 30, 2004.

For valid PSAP requests received after April 30, 2003, AWS must provide its Phase II compliant service to 50% of those PSAPs' coverage areas or population within six months of receipt of such request and to 100% of those PSAPs' coverage areas or population within 15 months of receipt of a PSAP request.

The Consent Decree specifies a number of reporting requirements

AWS must file Quarterly Reports on its progress and compliance with the terms and conditions of the Consent Decree and the wireless E911 rules. These Quarterly Reports are due February 1, May 1, August 1, and November 1 of each year, beginning November 1, 2002 and continuing through February 1, 2006.

In addition, AWS must file a supplemental report on December 15, 2003 regarding its progress in meeting the November 30, 2003 benchmarks described above.

To the extent AT&T Wireless cannot provide the information required in a Quarterly Report following the respective benchmark, it must file with the Chief, Enforcement Bureau, a request for extension of time to file the required information. Such request must be filed as early as possible before the Quarterly Report filing date, but generally no later than 10 business days prior to the Quarterly Report filing date.

To the extent AWS anticipates that it will fail to satisfy any one of the conditions in the Consent Decree, it must advise the Commission of the problem within 30 days.

To the extent unexpected problems arise affecting AWS' ability to perform any of the deployment or service requirements in the Consent Decree in the period between reports, AT&T Wireless agrees to notify the Commission through a supplementary filing to be filed within 30 days of AWS discovery of the problem. This supplemental filing must include specific details regarding the problems AWS has encountered affecting its ability to comply with the benchmark requirements.

- **Truthful Written Statements to FCC.** Under section 1.17 of the FCC's rules, AWS **may not** make any misrepresentation or willful material omission in any response to any FCC correspondence or inquiry or in any application, pleading, report or any other written statement submitted to the FCC.

- Continuing Accuracy **and** Completeness of Information Furnished to FCC. Under section 1.65 of the FCC's rules, AWS is responsible for ensuring the continuing accuracy and completeness of information provided to the FCC in a pending application or in Commission proceedings involving a pending application. If the information in a pending application is no longer substantially accurate and complete in all significant respects, AWS must amend the pending application to provide additional or corrected information **as** promptly as possible and in any event within 30 days. If there is a substantial change **as to** any other matter that may be significant to the FCC, AWS must submit a statement furnishing additional or corrected information **as** promptly as possible and in any event within 30 days.
- E911 Compliance Officer. **AWS** has appointed [name, title] to serve as its **E911** Compliance Officer, who can be reached at [contact information]. The **E911** Compliance Officer supervises AWS' compliance with the FCC's **E911** rules and the GSM Consent Decree, including the need to keep the FCC apprised in a timely manner of developments affecting compliance with all **E911** rules and requirements. Any officer, employee, contractor, consultant or any other person or entity associated with **AWS** who has **E911**-related responsibilities for or on behalf **of AWS** must notify the **E911** Compliance Officer within ten (10) business days if he or she receives any information about non-compliance or possible non-compliance with the FCC's **E911** rules, the **GSM** Consent Decree, or sections 1.17 or 1.65 of the FCC's rules in connection with AWS' **E911** deployment.

CODE OF FEDERAL REGULATIONS
TITLE 47--TELECOMMUNICATION
CHAPTER I--FEDERAL COMMUNICATIONS COMMISSION
SUBCHAPTER A--GENERAL
PART 1--PRACTICE AND PROCEDURE
SUBPART A--GENERAL RULES OF PRACTICE AND PROCEDURE
GENERAL

Current through November 22, 2002; 67 FR 70523

§ 1.17 Truthful written statements and responses to Commission inquiries and correspondence.

The Commission or its representatives may, ~~in~~ writing, require from any applicant, permittee or licensee written statements of fact relevant to a determination whether an application should be granted or denied, or to a determination whether a license should be revoked, or to some other matter within the jurisdiction of the Commission. No applicant, permittee or licensee shall in any response to Commission correspondence or inquiry or in any application, pleading, report or any other written statement submitted to the Commission, make any misrepresentation or willful material omission bearing on any matter within the jurisdiction of the Commission.

Note: Section 1.17 is limited in application to written matter. It implies no change in the Commission's existing policies respecting the obligation of applicants, permittees and licensees in all instances to respond truthfully to requests for information deemed necessary to the proper execution of the Commission's functions.

[55 FR 23084, June 6, 1990]

CODE OF FEDERAL REGULATIONS
TITLE 47--TELECOMMUNICATION
CHAPTER I--FEDERAL COMMUNICATIONS COMMISSION
SUBCHAPTER A--GENERAL
PART 1--PRACTICE AND PROCEDURE
SUBPART A--GENERAL RULES OF PRACTICE AND PROCEDURE
GENERAL APPLICATION PROCEDURES

Current through November 22,2002; 67 FR 70523

§ 1.65 Substantial and significant changes in information furnished by applicants to the Commission.

(a) Each applicant is responsible for the continuing accuracy and completeness of information furnished in a pending application or in Commission proceedings involving a pending application. Whenever the information furnished in the pending application is no longer substantially accurate and complete in all significant respects, the applicant shall as promptly as possible and in any event within 30 days, unless good cause is shown, amend or request the amendment of his application so as to furnish such additional or corrected information as may be appropriate. Whenever there has been a substantial change as to any other matter which may be of decisional significance in a Commission proceeding involving the pending application, the applicant shall as promptly as possible and in any event within 30 days, unless good cause is shown, submit a statement furnishing such additional ~~or~~ corrected information as may be appropriate, which shall be served upon parties ~~of~~ record in accordance with § 1.47. Where the matter is before any court for review, statements and requests to amend shall in addition be served upon the Commission's General Counsel. For the purposes of this section, an application is "pending" before the Commission from the time it is accepted for filing by the Commission until a Commission grant or denial of the application is no longer subject to reconsideration by the Commission or to review by any court.

(b) Applications in ITFS and broadcast services subject to competitive bidding will be subject to the provisions of §§ 1.2105(b), 73.5002 and 73.3522 regarding the modification of their applications.

(c) All broadcast permittees and licensees must report annually to the Commission any adverse finding or adverse final action taken by any court or administrative body that involves conduct bearing on the permittee's or licensee's character qualifications and that would be reportable in connection with an application for renewal as reflected in the renewal form. If a report is required by this paragraph(s), it shall ~~be~~ filed on the anniversary of the date that the licensee's renewal application is required to be filed, except that licensees owning multiple stations with different anniversary dates need file only one report per year on the anniversary of their choice, provided that their reports are not more than one year apart. Permittees and licensees bear the obligation to make diligent, good faith efforts to become knowledgeable of any such reportable adjudicated

misconduct

Note: The terms "adverse finding" and "adverse final action" as **used** in paragraph (c) of this section include adjudications made by an ultimate trier of fact, whether a government agency or court, but do not include factual determinations which are subject to review de novo unless the time for taking such review has expired under the relevant procedural rules. The pendency of an appeal of an adverse finding or adverse final action does not relieve a permittee or licensee from its obligation to report the finding or action.

[29 FR 15518, Nov. 19, 1964; 48 FR 27200, June 13, 1983; 55 FR 23084, June 6, 1990; 56 FR 25635, June 5, 1991; 56 FR 44009, Sept. 6, 1991; 57 FR 47412, Oct. 16, 1992; 57 FR 49218, Oct. 30, 1992, 63 FR _____, Sept. 11, 1998]

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- **E911** Compliance Officer. AWS has appointed Peter White, **AWS** Senior Corporate Counsel, to serve as its E911 Compliance Officer, who can be reached by email at _____ and by telephone at 917-941-3713. The E911 Compliance Officer supervises AWS' compliance with the FCC's E911 rules and the GSM Consent Decree, including the need to keep the FCC apprised in a timely manner of developments affecting compliance with all E911 rules and requirements. Any officer, employee, contractor, consultant or any other person or entity associated with AWS who has E911-related responsibilities for or on behalf of AWS must notify the E911 Compliance Officer within ten (10) business days if he or she receives any information about non-compliance or possible non-compliance with the FCC's E911 rules, the GSM Consent Decree, or sections 1.17 or 1.65 of the FCC's rules in connection with AWS' E911 deployment.

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